

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Lucio Eduardo Fernandez

v.

Civil No. 06-cv-281-SM

Bruce W. Cattell, Warden,
New Hampshire State Prison

O R D E R

Lucio Eduardo Fernandez, through counsel, filed a petition for a writ of habeas corpus (document no. 1) pursuant to 28 U.S.C. § 2254. The matter came before me for preliminary review. See Rule 4 of the Rules Governing § 2254 proceedings (requiring initial review to determine whether the petition is facially valid). On September 18, 2006, I determined that the petition contained both exhausted and unexhausted claims, and I issued an Order directing Fernandez to notify the Court as to how he intended to proceed regarding his unexhausted claims, to provide this Court with status reports regarding any exhaustion efforts he was making in the state courts, and finally, if he were to choose to exhaust his claims in the state courts, to notify this Court when exhaustion was complete. Fernandez satisfied those directives.

Counsel is reminded, however, that my September 18, 2006 Order also directed Fernandez to submit to this Court, at the time that his claims were exhausted: "the New Hampshire Supreme Court's ruling, as well as all briefs or other pleadings filed in that court" and to "file a request that this Court further consider his petition." A footnote in my order cautioned that:

Fernandez would be well-advised to submit all of the relevant pleadings, notices of appeal, court decisions and other documents relevant to each of his claims demonstrating that the claims and the federal nature of the claims were in fact presented to the state courts as alleged in his amended petition notifying the Court that exhaustion has been completed.

To date, none of the documents supporting Fernandez's assertion of complete exhaustion have been received by this Court.

Fernandez is ordered to provide to this Court all of the state court filings, orders, notices of appeals, briefs, and other pleadings and documents, that demonstrate exhaustion of the claims raised in his petition, including the federal nature of those claims, within ten (10) days from the date of this Order.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: July 12, 2007
cc: Paul J. Haley, Esq.